

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 49**

January 25, 2017

**SUMMARY OF BILL:** Creates the Tennessee Lactation Consultant Practice Act for the purpose of licensing and regulating activities of persons engaged in lactation care and services. Such licensing and regulating activities are to be performed by the newly created Board of Lactation Consultants, comprised of five members who will be entitled to reimbursement for travel expenses but will not be entitled to compensation. All licensees are required to submit to a criminal history background check by the Tennessee Bureau of Investigation (TBI).

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue -- \$6,500/FY18-19/TBI**

**\$69,600/FY18-19/Board of Lactation Consultants**

**\$65,300/FY19-20 and Subsequent Years/Board of  
Lactation Consultants**

**Increase State Expenditures - \$6,500/FY18-19/TBI**

**\$69,600/FY18-19/Board of Lactation Consultants**

**\$65,300/FY19-20 and Subsequent Years/Board of  
Lactation Consultants**

**Assumptions:**

- An effective date of July 1, 2018.
- Five board members will be entitled to travel reimbursement.
- Four quarterly meetings per year.
- An average mileage reimbursement of \$139.59.
- A recurring increase in state expenditures of \$2,792 (5 members x 4 meetings x \$139.59).
- The Board will require an additional Regulatory Board Administrative Assistant 2 position to process applications, renewals, and other administrative functions required by the Board.
- The recurring increase in state expenditures relative to the Board position is estimated to be \$62,507 (salary \$39,180 + benefits \$13,427 + administrative cost \$7,900 + communications \$1,400 + supplies \$600).
- The one-time increase in state expenditures relative to the Board position is estimated to be \$4,300 (office furniture \$2,700 + computer \$1,600).
- The increase in state expenditures in FY18-19 is estimated to be \$69,599 (\$2,792 + \$62,507 + \$4,300); the recurring increase in state expenditures beginning in FY19-20 is estimated to be \$65,299 (\$2,792 + \$62,507).

- The Board of Lactation Consultants will be placed under the Division of Health Related Boards.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two-year period. The Board of Lactation Consultants will charge appropriate licensure and examination fees to offset expenditures incurred to administer the regulatory duties of the Board. As a result, the increase in fee revenue to the Board is estimated to be \$69,599 in FY18-19 and \$65,299 in FY19-20 and subsequent years.
- Licensees will be required to submit fingerprints to TBI in order for TBI to perform a criminal background check with the cost of conducting the background check being paid by the licensee.
- There are approximately 200 individuals certified in Tennessee by the International Board of Lactation Consultant Examiners. It is assumed that these 200 individuals will be licensed in FY18-19. This number is assumed to remain relatively constant in subsequent years. Therefore, any fee revenue and expenditures related to background checks after FY19-20 is considered not significant.
- Based on information from the TBI, the TBI will collect one-time revenue and incur one-time expenditures of \$32.65 for each background check conducted in FY18-19 for totals of \$6,530 (200 x \$32.65) respectively.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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